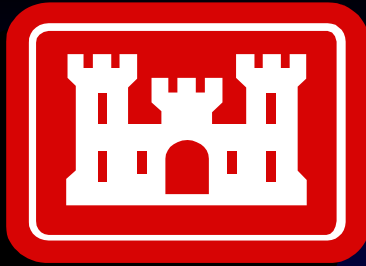


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Identifying and Evaluating Cultural Outputs for Sec. 203 (WRDA 2000) Studies

By

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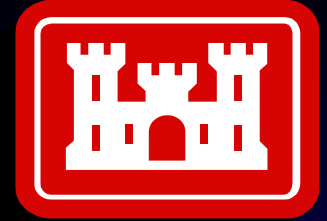
**Detroit District Tribal Liaison & Archeologist
and**

Michele Hope

Buffalo District Archeologist & Project Manager

Section 203

WRDA 2000

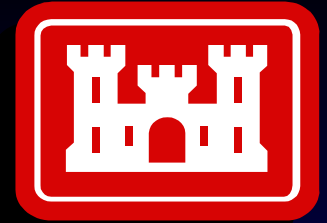


SEC. 203. TRIBAL PARTNERSHIP PROGRAM

- (1) IN GENERAL.—In cooperation with Indian tribes and the heads of other Federal agencies, the Secretary may study and determine the feasibility of carrying out water resources development projects that—
 - (A) will substantially benefit Indian tribes; and
 - (B) are located primarily within Indian country (as defined in section 1151 of title 18, United States Code) or in proximity to Alaska Native villages.

Section 203

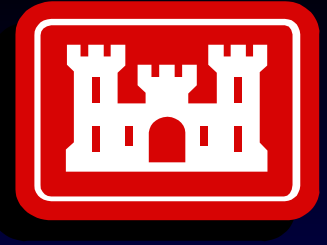
WRDA 2000



SEC. 203. TRIBAL PARTNERSHIP PROGRAM

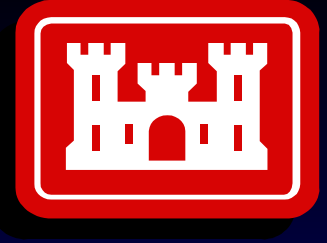
- (2) MATTERS TO BE STUDIED.—A study conducted under paragraph (1) may address—
 - (A) projects for flood damage reduction, environmental restoration and protection, and preservation of cultural and natural resources; and
 - (B) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.

Cultural Resources



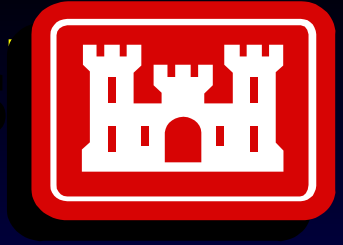
- Outside of Section 203, there is no authority that specifically allows for feasibility studies for cultural resources preservation.
- Cultural resources protection has not been a budgetary priority.
- Opportunities to protect sacred sites and trust resources are rare.

Sovereignty and Tribal Responsibilities



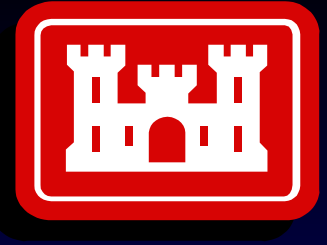
- The Federal government recognizes:
 - special relationships with tribes; and
 - long standing commitments made to tribes.
- Tribes enjoy a direct government-to-government relationship with the U.S. government.
- The Corps acknowledges that Indian Nations are sovereign, with right to self-governance and decision making.
- No decisions about their lands and people are made without their consent.

The Tribal Partners Program (TPP)



- The provision allows the Corps to:
 - work collaboratively with Federally recognized American Indian and Alaska Native tribal governments; and
 - to study the feasibility of water resource projects that will substantially benefit them.

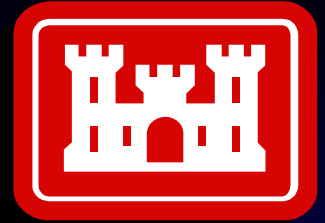
The Tribal Partners Program (TPP)



Section 203 studies may address a number of purposes:

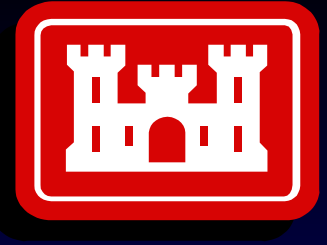
- flood damage reduction
- environmental restoration and protection
- preservation of cultural and natural resources
- other projects determined to be appropriate

Study Opportunities



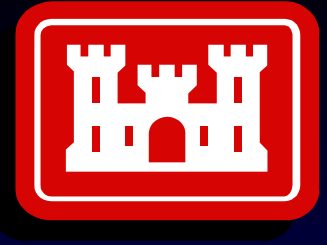
- Provides a unique opportunity for the Corps to support the Federal government's trust responsibility while addressing tribal water and related resource challenges.
- Idea of a “tribal partnership program” within Section 203 is broader than just working with tribes on feasibility studies.
- The Corps could use Section 203 as a basis for organizing “assistance to tribes” under all Civil Works authorities and programs.
- Could potentially provide opportunities to study a range of water related economic development and natural resources issues.

Limitations



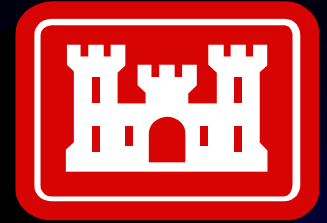
- Section 203 is a study authority.
- Implementation will require individual project authorization or pursuit through an existing programmatic authority (CG-CAP).
- Under WRDA 2000 the authorization of appropriations ends in 2006, the authority does not.

Funding



- Many Section 203 opportunities could be pursued through existing Civil Works authorities.
- Tribes are sometimes unable to fund their share of the study costs at feasibility.
- Up to \$100. K of the initial study costs would be 100% Federally funded, and the remaining cost-shared 50/50.
- Sections 203 and 225 of WRDA 2000 allow tribes to provide their entire cost share through in-kind services.
- Tribes may be able to use funds from other sources, including other Federal agencies, if the agency approves.

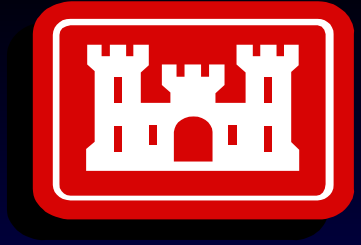
Sec 203 Study Evaluation



And Justification

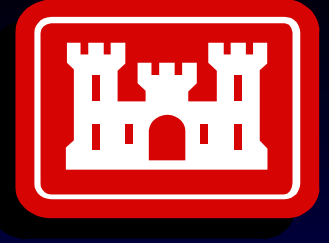
- What are the nature of outputs significant to and appropriate for Section 203 studies that focus on cultural resources protection or preservation?
- This presents challenges to the Corps' plan formulation and alternatives evaluation framework.
- More than just "the partner wants it"
- NED – economic benefits - \$\$\$

Showing a Federal Interest

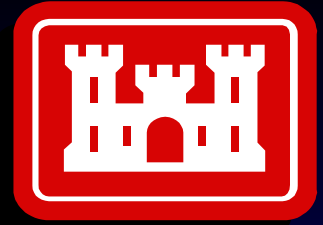


- More than just “the partner wants it”
- NED – economic benefits - \$\$\$
- NER – environmental outputs – no universal “unit” used
- Multi criteria Decision-Making Tools – framework, collaborative

The Challenge



Establish a “quantifiable” output for
cultural resources.

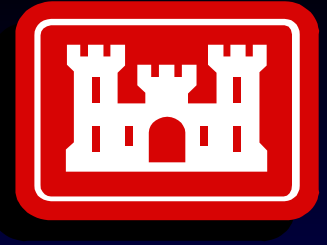


A Field Example

Problem:

- The stream bank of a tribal cemetery has been subject to erosion.
- The cemetery is still in use and graves are unidentified.
- Remains of ancestors may be disturbed at the reservation cemetery in southwest Michigan.

A Field Example



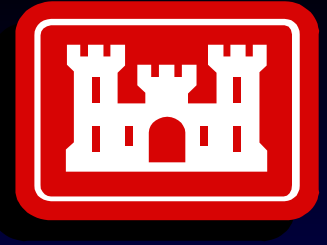
The cemetery is
still
in use and graves
are
unidentified.

Excavating for new
graves may disturb
existing burials.

Access is difficult.



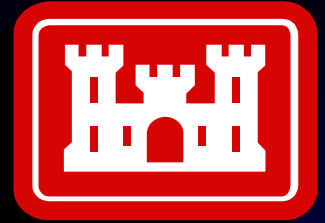
A Field Example



The stream bank of the tribal cemetery exhibits erosion.

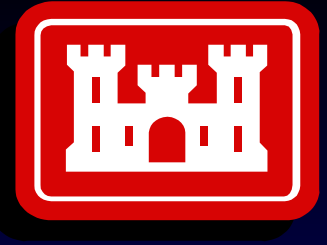


Planning Objectives

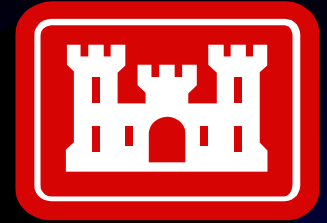


- Contribute to the cultural preservation of tribal resources.
- Contribute to the restoration of aquatic habitat.
- Contribute to the quality of life of the Tribe.

Cultural Output



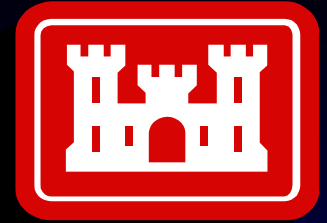
- Approach the challenge in a manner similar to aquatic ecosystem restoration.
- Establish a quantifiable matrix of outputs.
- Cultural output is the product of acreage, quality and importance of the project to the Tribe.



Cultural Value/Definition

Rating System - Scale of 10 to 0

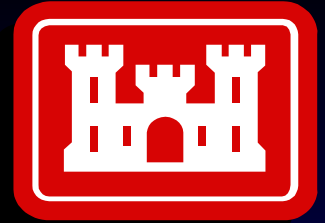
- 10: maximum cultural value
- 9: near maximum cultural value
- 8: above adequate cultural value
- 7: adequate cultural value
- 6: above average cultural value
- 5: average cultural value
- 4: below average cultural value
- 3: degraded cultural value
- 2: limited cultural value
- 1: insignificant cultural value
- 0: lost cultural significance



Cultural Value/Definition

Components Of Rating

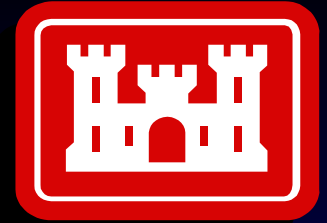
- 10: minimum cultural value: Full realization of the cultural feature to enhance, maintain and/or carry out cultural traditions.
- 9: near maximum cultural value: Near maximum ability to enhance, maintain, and carry out cultural traditions associated with the feature.
- 8: above adequate cultural value: Less than maximum ability to enhance, maintain, and carry out cultural traditions associated with the feature.
- 7: adequate cultural value: Ample significance of the cultural feature to carry out cultural traditions.



Cultural Value/Definition

Components Of Rating

- 5: above average cultural value: Less than minimal significance of the cultural feature to carry out cultural traditions.
- 5: average cultural value: Maintain significance of the cultural feature to carry out cultural traditions.
- 4: below average cultural value: Minimal loss of significance of the cultural feature to carry out cultural traditions.
- 3: degraded cultural value: Deficient significance of the cultural feature to maintain and carry out cultural traditions.

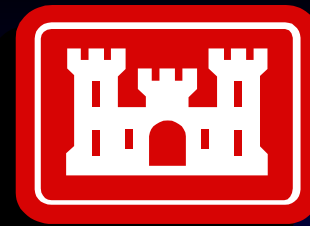


Cultural Value/Definition

Components Of Rating

- 2: Of little cultural value: Partial loss of significance of the cultural feature to maintain and carry out cultural traditions.
- 1: insignificant cultural value: Near loss of significance of cultural feature to maintain and carry out cultural traditions.
- 0: lost cultural significance: Complete loss of cultural significance associated with the feature.

Cultural Benefits



Cultural Feature Athens Indian Mission Cemetery Existing Project Conditions (EPC)	Acres	Cultural Value (1-10)	Importance (1 to 5) (To Tribe)	Cultural Benefit
	8	4	5	160
Cemetery Area (Burial Site Map and Access Road) Future With Project Conditions (FWPC)	8	10	5	400
Cemetery Area Alternative 2 (Burial Site Map and Cart Path Access) Future With Project Conditions (FWPC)	8	9	5	360
Cemetery Area Alternative 3 (Burial Site Map) Future With Project Conditions (FWPC)	8	6	5	240
Cemetery Area Alternative 4 Future With Out Project Conditions (FW/OPC)	8	2	5	80
Cemetery Area				

Questions

